

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MR. SCHWEIKERT OF ARIZONA

At the end of subtitle B of title VII, add the following new section:

1 **SEC. 7___ . PRESCRIPTION OF DRUGS BY ARTIFICIAL IN-**
2 **TELLIGENCE OR MACHINE LEARNING TECH-**
3 **NOLOGIES.**

4 Section 1094 of title 10, United States Code, is
5 amended—

6 (1) by redesignating subsection (e) as sub-
7 section (f); and

8 (2) by inserting after subsection (d) the fol-
9 lowing new subsection (e):

10 “(e) **PRESCRIPTION OF DRUGS BY ARTIFICIAL IN-**
11 **TELLIGENCE OR MACHINE LEARNING TECHNOLOGIES.—**

12 (1) Notwithstanding any law regarding the licensure of
13 health care providers with respect to prescribing pharma-
14 ceutical agents, the use of technology described in para-
15 graph (2) to prescribe a pharmaceutical agent shall be
16 treated as if a licensed health care provider prescribed the
17 pharmaceutical agent for purposes of prescribing pharma-
18 ceutical agents under the pharmacy benefits program

1 under section 1074g of this title at a military medical
2 treatment facility or under the TRICARE program.

3 “(2) Technology described in this paragraph is artifi-
4 cial intelligence or machine learning technology that are—

5 “(A) authorized pursuant to—

6 “(i) a statute of the State involved to pre-
7 scribe the pharmaceutical agent involved; or

8 “(ii) with respect to members and covered
9 beneficiaries located outside the United States,
10 a process determined appropriate by the Sec-
11 retary of Defense; and

12 “(B) approved, cleared, or authorized under
13 section 510(k), 513, 515, or 564 of the Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 360(k),
15 360c, 360e, 360bbb-3).”.

